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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,308

02/15/2006

James L. Weber

19365-103885

3472

28886

7590

03/17/2009

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EXAMINER

CHAN, KO HUNG

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,308	<b>Applicant(s)</b> WEBER, JAMES L.	
	<b>Examiner</b> Korie H. Chan	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/5/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 14 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

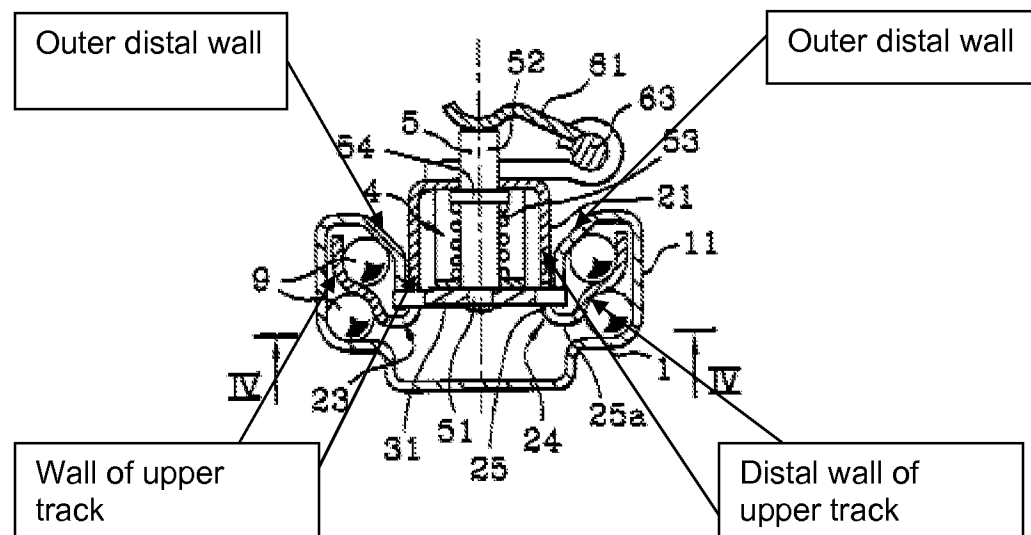
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Moradell et al (US patent no. 6,113,051). Moradell discloses a seat track assembly comprising: a lower track (11) having an outer distal wall (11), the outer distal wall having a plurality of locking windows (14) formed therein; an upper track (29) slidably coupled to the lower track for movement among a plurality of seating positions relative to the lower track, the upper track including a wall (21) and a distal wall (21) spaced apart from the wall for receiving the outer distal wall of the lower track therebetween during movement of the upper track relative to the lower track, the wall and the distal wall each having corresponding pluralities of first and second support apertures (25); a locking mechanism (3) for selectively interlocking the upper and lower tracks, the locking mechanism having a plurality of pins (32) selectively movable in and out of a locked position, wherein the plurality of pins extends through the locking window of the lower track and is supported by the first and second support apertures of the upper track in a double shearing condition to prevent sliding adjustment of the upper track relative to the lower track; regarding claim 9, wherein the locking mechanism allows incremental adjustment of the upper track relative to the lower track among the plurality of seating positions, wherein the plurality of seating positions are equally spaced by a predetermined adjustment increment.

### ***Response to Arguments***

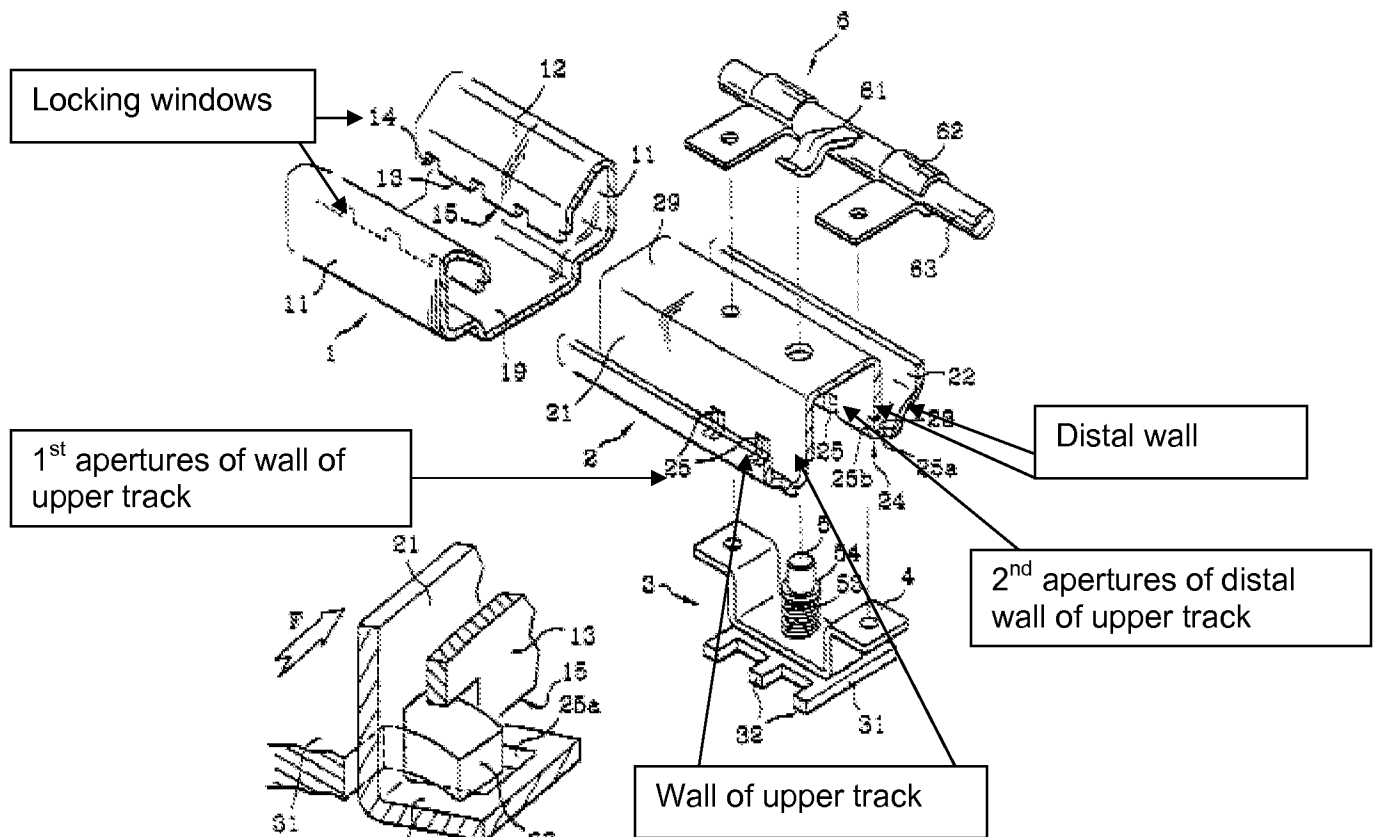
Applicant's arguments filed 12/5/2008 have been fully considered but they are not persuasive. Applicant argues that "In the '051 reference, the flange 11 of the female track 1 is not disposed between the flanges 21 of the male track 2. Rather, the flange 11 of the female track 1 is disposed between the flange 21 and the respective outer flange return 22 of the male track 2" (page 7, last four lines of remarks section). Examiner disagrees and offers the illustration below. The return flange is part of the outer distal wall (11) of the lower track. It is between the flange 21 being curved wall as illustrated below.



Applicant also argues that "the teeth 32 cannot extend through a locking window (notches 14) of the lower track (female track 1) and be supported by first support apertures (cutouts 25) and second support apertures (non-existent) of the upper track (male track 2) because the outer flange return 22 does not include second support

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apertures, as specifically required by claim 8. As such, the '051 reference does not disclose each and every element..." (page 8, line paragraph 1 in bold letters). Examiner disagrees and offers the illustration below.



Applicant's recitation requires that "wherein said plurality of pins extends through said locking window of said lower track and is supported by said first and second support apertures of said upper track in a double shearing condition to prevent sliding adjustment of said upper track relative to said lower track." (claim 8, last three lines). Moradell teaches the pins (32) above extends and supported by first and second apertures on both walls of the upper track (as illustrated above) and at the same time

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extends through the locking window (14) on both walls (as illustrated in figure 4).

Consequently, the limitation is met by Moradell et al.

Claims 1-7. and 14 are allowed.

Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571)272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Korie H. Chan/  
Primary Examiner  
Art Unit 3632

khc  
March 15, 2009